

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,)	
)	Case No. 1:17-cr-215
v.)	
)	
RAYMOND JUIWEN HO,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO MODIFY RESTITUTION PAYMENT SCHEDULE

Defendant Raymond J. Ho (“Defendant”), by and through undersigned counsel, moves this Court to modify the restitution order entered by this Court on February 2, 2018 by limiting the payments required to be made while Defendant is incarcerated to \$25 per quarter. *See* Restitution Order (Docket No. 28) ¶ 6. In support thereof, Defendant states the following:

1. Defendant has negligible financial resources while he is incarcerated.
2. This Court entered a restitution order on February 2, 2018, stating that “[n]otwithstanding any other provision in the Restitution Order or the sentence imposed, including the directive to make periodic payments, restitution is due in full and payable immediately from assets known and unknown and including assets identified in the Presentence Report.” *Id.* Further, the Restitution Order includes a provision encouraging Defendant to participate in the Bureau of Prisons’ (“BOP”) Inmate Financial Responsibility Program (“IFRP”). *Id.* ¶ 5.

3. In developing an inmate's financial plan under the IFRP, the BOP first determines the total amount of funds in the inmate's trust account from the previous six months.¹ Second, the BOP subtracts any IFRP payments the inmate has made during the previous six months.² Third, the BOP then subtracts \$450, which constitutes \$75 per month (\$75 x six months) "to allow the inmate the opportunity to better maintain telephone communication under the Inmate Telephone System (ITS)."³ After these calculations, any remaining money is considered for IFRP payments.⁴

4. While he has been incarcerated, Defendant has been participating in the IFRP and is required to pay approximately \$30 per month.

5. Defendant is currently earning only \$5.00 per month from his job in the prison camp's kitchen.

6. As such, Defendant's family is required to supplement his earnings, providing him with an additional \$25 per month to satisfy his monthly restitution obligation. This, along with the Defendant's monthly earnings of \$5.00, covers only the minimum IFRP payment for restitution, a responsibility that is burdening his family for something in which they had no part.

7. Further, once the \$30 restitution payment is covered, Defendant still has personal expenses, including fees for using the telephone or email to communicate with his family and counsel as well as toiletries and medical and health items from the prison commissary.

8. The obligation to make restitution payments while Defendant is incarcerated has created a burden on his family with regard to something for which they bear no responsibility.

¹ See U.S. DEP'T OF JUSTICE, FEDERAL BUREAU OF PRISONS, PROGRAM STATEMENT NO. U.S. DEP'T OF JUSTICE, FEDERAL BUREAU OF PRISONS, PROGRAM STATEMENT NO. P5380.08 (2005), *available at* https://www.bop.gov/policy/progstat/5380_008.pdf.

² *Id.*

³ *Id.*

⁴ *Id.*

CERTIFICATE OF SERVICE

I certify that on this 10th day of October 2018, I caused the foregoing to be filed electronically using the Court's CM/ECF system, which sends a notification of such filing to:

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